


PROB 12C (Rev. 07/15)		AMENDED VIOLATION REPORT - PART 1: PETITION FOR WARRANT		U. S. Probation Office Eastern District of Michigan	DATE <u>10/28/2019</u>
NAME SMITH, Donald O.		PACTS 36263		JUDGE David M. Lawson	DOCKET # 17-CR-20103-01
ORIGINAL SENTENCE DATE 10/01/2013 COMMENCED 12/07/2016 EXPIRATION 12/06/2018	SUPERVISION TYPE Supervised Release	CRIMINAL HISTORY CATEGORY VI	TOTAL OFFENSE LEVEL 17	PHOTO 	
ASST. U.S. ATTORNEY Christopher Graveline		DEFENSE ATTORNEY To Be Determined			
REPORT PURPOSE AMENDED VIOLATIONS TO PETITION FILED ON JANUARY 30, 2018. <u>PLEASE NOTE THAT THE AMENDED INFORMATION IS UNDERLINED.</u>					
ORIGINAL OFFENSE Count 1: 18:U.S.C. § 922(g)(1), Felon in Possession of Firearm					
SENTENCE DISPOSITION Custody of the Bureau of Prisons for a term of 51 months, to be followed by a two-year term of supervised release. Name of Sentencing Judicial Officer: Honorable Theresa L. Springmann, Northern District of Indiana. Jurisdiction accepted by the Honorable David M. Lawson on February 21, 2017.					
ORIGINAL SPECIAL CONDITION 1) The defendant shall participate in a substance abuse treatment program and shall abide by all program requirements and restrictions, which may include testing for the detection of alcohol or drugs of abuse at the direction and discretion of the probation officer. While under supervision, the defendant shall not consume alcoholic beverages or any mood altering substances, which overrides the "no excessive use of alcohol" language in Standard Condition #7. The defendant shall not be allowed to work at a tavern or to patronize taverns or any establishments where alcohol is the principal item of sale. The defendant shall pay all or part of the costs for participation in the program not to exceed the sliding fee scale as established by the Department of Health and Human Services and adopted by this Court. Criminal Monetary Penalty: Special Assessment \$100.00 (paid).					

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The probation officer believes that the offender has violated the following conditions of the term of supervised release:							
VIOLATION NUMBER		NATURE OF NONCOMPLIANCE					
1		<p><u>Violation of Mandatory Condition:</u> "THE DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE."</p> <p>On the following dates, the offender submitted urine specimens that were returned positive for the presence of marijuana from Alere Laboratories: October 31, 2017; November 16, 2017; November 27, 2017.</p> <p>On November 29, 2017, SMITH admitted to the probation officer that he has been using marijuana on a weekly basis.</p>					
2		<p><u>Violation of Standard Condition No. 2:</u> "THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AS DIRECTED BY THE COURT OR PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE (5) DAYS OF EACH MONTH."</p> <p>On December 11, 2017, SMITH sent the probation officer an email requesting to return to prison to "finish my sentence." On December 12, 2017, the probation officer called the offender and left a voice mail requesting a return phone call to discuss the situation and to assist him in dealing with life events in a pro-social manner. SMITH failed to call the probation officer.</p> <p>On January 8, 2018, the probation officer called SMITH and left a voice mail instructing him to contact the probation officer within 24 hours and speak with her directly. SMITH failed to contact the probation officer.</p> <p>On January 12, 2018, the probation officer conducted a home visit and after repeated knocking, no one answered. The probation officer left her business card instructing SMITH to contact her. SMITH has failed to do so.</p> <p>His whereabouts are unknown.</p>					
3		<p><u>Violation of Special Condition:</u> "THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM AND SHALL ABIDE BY ALL PROGRAM REQUIREMENTS AND RESTRICTIONS, WHICH MAY INCLUDE TESTING FOR THE DETECTION OF ALCOHOL OR DRUGS OF ABUSE AT THE DIRECTION AND DISCRETION OF THE PROBATION OFFICER. WHILE UNDER SUPERVISION, THE DEFENDANT SHALL NOT CONSUME ALCOHOLIC BEVERAGES OR ANY MOOD ALTERING SUBSTANCES, WHICH OVERRIDES THE "NO EXCESSIVE USE OF</p>					

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ALCOHOL” LANGUAGE IN STANDARD CONDITION #7. THE DEFENDANT SHALL NOT BE ALLOWED TO WORK AT A TAVERN OR TO PATRONIZE TAVERNS OR ANY ESTABLISHMENTS WHERE ALCOHOL IS THE PRINCIPAL ITEM OF SALE. THE DEFENDANT SHALL PAY ALL OR PART OF THE COSTS FOR PARTICIPATION IN THE PROGRAM NOT TO EXCEED THE SLIDING FEE SCALE AS ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ADOPTED BY THIS COURT.”

In October 2017, due to the offender’s use of marijuana and concerns for use of alcohol, SMITH was referred for outpatient drug treatment and testing to Eastwood Clinic, Detroit, Michigan. The therapist recommended bi-weekly individual counseling and Phase II urine testing.

On the following dates, SMITH submitted urine specimens which were returned “diluted” from Alere Laboratories: October 31, 2017; November 16, 2017; and November 27, 2017.

SMITH did not attend any treatment sessions or report for random drug screen testing in December 2017. He was terminated from treatment in January 2018 for failing to schedule appointments or contact the therapist.

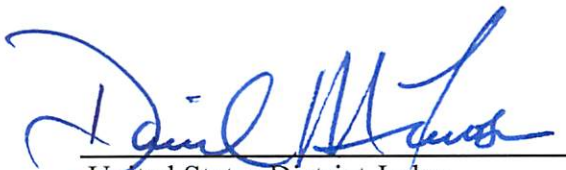
4 Violation of Mandatory Condition: “YOU SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”

On January 4, 2019, SMITH was charged by the state of Indiana with one count of Domestic Battery on a Person Less Than 14 Years old. On April 22, 2019, SMITH pled guilty to the charge before the Honorable Samuel Keirns, Allen County Superior Court, Fort Wayne, Indiana, Case Number 02D04-1901-F6-14. On May 7, 2019, Judge Keirns sentenced SMITH to two years to the Indiana Department of Corrections with jail credit of 82 days and 1 year 182 days suspended. The sentence was ordered to be served consecutive to 02D04-1902-F6-182.

5 Violation of Mandatory Condition: “YOU SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.”

On February 14, 2019, SMITH was charged with Count 1: Resisting Law Enforcement, defendant uses a vehicle to commit the offense; and Count 2: Driving While Suspended. On April 22, 2019, SMITH pled guilty to Count 1 and Count 2 was dismissed by the Honorable Samuel Keirns, Allen County Superior Court, Case Number 02D04-1902-F6-182. On May 7, 2019, Judge Keirns sentenced SMITH to two years and 183 days to the Indiana Department of Corrections with 1 year and 183 days suspended. The sentence was ordered to be served consecutive to Case Number 02D04-1901-F6-14.

SMITH is currently incarcerated at the Allen County Jail in Indiana. He is scheduled to be released on November 16, 2019.

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I declare under penalty of perjury that the foregoing is true and correct. SUPERVISING PROBATION OFFICER s/Ann R. Smith/cj 313-234-5461				DISTRIBUTION Court	
ASST. DEPUTY CHIEF PROBATION OFFICER s/Michelle D. Livingston 313-234-5579				PROBATION ROUTING Data Entry	
THE COURT ORDERS: <input checked="" type="checkbox"/> The above charges as an amendment to the warrant petition issued on January 30, 2018, and direct the Office of the U.S. Attorney to issue a writ of habeas corpus ad prosequendum <input type="checkbox"/> Maintain detainer until custodial sentence has been satisfied. <input type="checkbox"/> Other					
<div style="text-align: right;">  _____ United States District Judge November 4, 2019 _____ Date </div>					